

BINGEL et al.

Serial No. 09/508,057

1,3-dicarbonylate [such as acetylacetonate or fluorinated 1,3- dicarbonylate],  
n [is an integer and] is 2,3,4,5 or 6 and corresponds to the oxidation number of  
the metal M<sup>1</sup>,

a is an integer or fraction and  $0 < a \leq 4$  ,

and D is a linear, cyclic or branched oligoether or polyether containing at least  
two oxygen atoms or an oligothioether or polythioether containing at least two  
sulfur atoms.

Please cancel claim 3.

#### Remarks

Claims 1 and 2 are pending in this application.

The examiner is requested to favorably reconsider the rejection of claim 1  
in view of the foregoing amendment. The expression objected to by the examiner has  
been replaced by the expression found at page 2, line 24 of the specification.

The examiner is requested to favorably reconsider the rejection of claims 1 and 2  
under 35 U.S.C. 103(a) as being unpatentable over EP 0 416 815 A2 in view of US  
5,264,590 (Strickler). The EP 0 416 815 A2 discloses that metal halogenides or a  
coordinated adduct thereof can be used as starting compounds for the preparation of  
monocyclopentadienyl metallocenes (page 3, lines 21-22). The examples teach that  
either a halogenide itself (e.g., example 1) or an adduct with THF (e.g. example 80) can  
be used. Adducts are used because the resulting solids may be more easily handled  
(page 8, lines 25-30). Strickler discloses the preparation of different coordination  
complexes of titanium with ethers and mentions in general that these can be used as

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intermediates in the formation of Ti(III) metallocenes (column 1, lines 10-15).

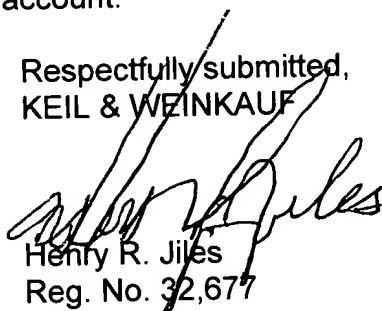
The present invention, however, relates to a process for preparing metallocenes by using adducts of special oligoethers or polyethers, containing at least two oxygen atoms or at least two sulfur atoms, as starting compounds. By these means it is possible to prepare metallocenes with higher yields. Furthermore the synthesis of new metallocenes, especially bulky compounds, is enabled whereas heretofore they were not (cf. the specification at page 31, lines 17-23). These advantages were not suggested by the prior art and therefore render the process claimed herein patentable.

In view of the foregoing amendment and remarks, the applicants respectfully urge that the process claimed herein is patentable, and a Notice of Allowance is solicited.

**Please find attached a check for \$110.00 for the one month extension of time fee.**

To the extent necessary, applicant(s) petition for an Extension of Time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,  
KEIL & WEINKAUF



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